

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4367 of 2006

(CRIME NO.31/2005 OF NEMOM POLICE STATION)

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PETITIONER:

ANIL KUMAR @ SHAJI, S/O. VISWAMBHARAN,
AGED 32 VALLOTTUKONAM KIZHAKKUM KARA PUTHEN VEEDU,
MOTTAMOODU, NARUVAMMOODU P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.N.HARIHARAN
SRI.V.VINOD KUMAR (NEMAM)

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
NEMOM POLICE STATION, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21/07/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 4367/2006

DATED THIS THE 21ST DAY OF JULY, 2006

O R D E R

The petitioner is accused of the offence, punishable under Sections 304B and 306 IPC read with Section 34 IPC. He is the husband of the deceased, Jaya Sindhu. The allegation of the prosecution is that demanding more dowry, the petitioner and his mother, mentally and physically tortured the deceased Jaya Sindhu, and unable to withstand the same, she consumed poison and on 24.1.2005 at night. Though she was taken to medical college hospital, Thiruvananthapuram, died on 26.1.2005. At the instance of the brother of the deceased Jaya Sindhu, Nemom police registered the case, under Section 174 Cr.P.C., for unnatural death. But during the inquest, the police had received sufficient materials to show that the conception of poison by Jaya Sindhu was not out of her own free will, but she was driven to commit suicide because of the cruelties, perpetuated on her, by

the petitioner and others. Therefore, the section of the offence had been altered from the unnatural death to dowry death, as stated above. The petitioner is before this Court, under Section 438 Cr.P.C., as he apprehends arrest.

2. I heard the arguments of the learned counsel Mr. N.Hariharan. I had also heard the learned Public Prosecutor. The C.D.File, produced by Nemon Police authorities had been perused. After considering the facts on record, I direct the petitioner to surrender before the investigation officer of Nemon Police Station, on 28.7.2006 between 10.00 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioner and thereafter, produce him before the Judicial Magistrate of First Class-I, Neyyattinkara.

3. If the investigating officer requires the custody of the petitioner for further interrogation, he may move an application before the Court below, for the continued custody in which event, the learned Magistrate shall consider the same, after hearing the

accused as well as the Prosecutor, and pass orders accordingly.

4. If no such application is filed or if the Magistrate finds that further custody of the petitioner is not necessary for interrogation, the learned Magistrate shall release the petitioner on bail, on the application that may be filed by him, imposing such conditions, which are deemed necessary.

The application is disposed of as above.

**J.M.JAMES
JUDGE**

mrCS